



RECEIVED

OCT 13 1998

FCC MAIL ROOM  
*Your Connection To The Future*

P.O. Box 189 • Estacada, OR 97023-0189 • 503-630-4202

October 5, 1998

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, NW, Room 222  
Washington, DC 20554

RE: **CC Docket No. 95116, Petition for Waiver of October 31, 1998  
Local Number Portability Date**

Dear Ms. Salas:

Enclosed is the petition of Rio Virgin Telephone Company (hereafter Rio Virgin) hereby requesting a two month waiver extension (until December 31, 1998) of the October 31, 1998 requirement that it provide local number portability (LNP) in its Mesquite, Nevada switching complex.

An original and four copies are being filed. Please return the stamp copy in the SASE.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Brenda Crosby".

Brenda Crosby

Cc: Ms. Marian R. Gordon  
Special Counsel, Network Services Division  
Federal Communications Commission  
2025 M Street, NW  
Washington, DC 20554

Attachments

BC/slb

No. of Copies rec'd  
List A B C D E

A handwritten number "24" in cursive script, likely indicating the number of copies received.

Rio Virgin Local Number Portability Waiver Extension  
October 5, 1998

**RECEIVED**

OCT 13 1998

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D C 20554

**FCC MAIL ROOM**

In the Matter of )  
the Petition of Rio Virgin )  
Telephone Company Request for )  
Waiver of Local Number Portability )  
Implementation Deadline )

CC Docket No. 95-116

PETITION OF RIO VIRGIN TELEPHONE COMPANY (Rio Virgin)  
FOR EXTENSION OF ITS OCTOBER 31, 1998 IMPLEMENTATION  
DATE FOR LOCAL NUMBER PORTABILITY

Rio Virgin Telephone Company  
P.O. Box 189  
Estacada, Oregon 97023

Date Submitted: October 5, 1998

Rio Virgin Local Number Portability Waiver Extension  
October 5, 1998

**TABLE OF CONTENTS**

	<u>Page No.</u>
I Introduction	3
II Background	5
III A Waiver of the Prescribed Timeline is Necessary and In the Public Interest	6
IV Conclusion	9

Rio Virgin Local Number Portability Waiver Extension  
October 5, 1998

**RECEIVED**

OCT 13 1998

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

**FCC MAIL ROOM**

In the Matter of )  
the Petition of Rio Virgin )  
Telephone Company Request for )  
Waiver of Local Number Portability )  
Implementation Deadline )

CC Docket No. 95-116

PETITION OF RIO VIRGIN TELEPHONE COMPANY (Rio Virgin)  
FOR EXTENSION OF ITS OCTOBER 31, 1998 IMPLEMENTATION  
DATE FOR LOCAL NUMBER PORTABILITY

**I. Introduction**

Rio Virgin Telephone Company (hereafter Rio Virgin) hereby requests a two month extension of its existing waiver (until December 31, 1998) of the October 31, 1998 requirement that it provide local number portability<sup>1</sup> (LNP) in its Mesquite, Nevada switching complex.

Rio Virgin was on track to accomplish an October 31, 1998<sup>2</sup> implementation date for local number portability capabilities. However, the recent US West labor strike has unexpectedly delayed Rio Virgin's efforts to coordinate SS7 A Links and complete all necessary trunking modifications. It now appears that Rio Virgin will require an additional two months to complete all the tasks related to LNP implementation.

<sup>1</sup> Per 47 U.S.C. at § 153(30): The ability of users of telecommunications services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another.

<sup>2</sup> The Commission granted Rio Virgin's initial extension in an Order on June 26, 1998 (DA 98-1265; NSD-L-98-72).

Rio Virgin Local Number Portability Waiver Extension  
October 5, 1998

The purpose of this petition is to demonstrate that the granting by this Commission of the minor implementation extension is in the public interest.

Section 1.3 of the Federal Communications Commission's rules permits (the Commission) to authorize a waiver of its rules "if good cause is therefore shown."<sup>3</sup> A waiver of the Federal Communications Commission's rules is appropriate if special circumstances warrant a deviation from the general rule<sup>4</sup> and such a deviation will serve the public interest.

In the First Report and Order in this proceeding<sup>5</sup>, the Commission, at paragraph 85, delegates: *"to the Chief, Common Carrier Bureau, the authority to waive or stay any of the dates in the implementation schedule, as the Chief determines is necessary to ensure the efficient development of number portability, for a period not to exceed 9 months...In the event a carrier is unable to meet our deadlines for implementing a long-term number portability method, it may file with the Commission, . . . . a petition to extend the time by which implementation in its network will be completed."*

The First Report and Order further details what these requests must include:

*"Such requests must set forth: (1) the facts that demonstrate why the carrier is unable to meet our deployment schedule; (2) a detailed explanation of the activities that the carrier has undertaken to meet the implementation schedule prior to requesting an extension of time; (3) an identification of the particular switches for which the extension is requested; (4) the time within which the carrier will complete deployment in the affected switches; and (5) a proposed schedule with milestones for meeting the deployment date."*

Rio Virgin will demonstrate that a waiver of the October 31, 1998 timing requirement for local number portability is in the public interest as Rio is unable to meet the October 31 implementation date due to circumstances beyond its control.

---

<sup>3</sup> 47 C.F.R. § 1.3

<sup>4</sup> Northeast Cellular Tel. Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990), WAIT Radio v. FCC, 418 F. 2nd 1153 (D.C. Cir. 1969).

<sup>5</sup> First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 95-116, released June 27, 1996 (hereafter "First Report and Order").

## **II. Background**

Rio Virgin serves one exchange in Mesquite, Nevada, and a remote in Littlefield, Arizona, which provide service to approximately 5 600 access lines. The exchanges are currently being upgraded to a DMS-100 configuration to accommodate both the LNP implementation and to meet Rio Virgin's network objectives in an economic manner. Due to circumstances beyond Rio Virgin's control, Rio Virgin will not meet an October 31 LNP implementation date.

While Rio Virgin is a part of the Las Vegas MSA for LNP classification, it is also part of the Utah LATA with its point of connection for toll services being with US West Communications. This necessitates that Rio Virgin coordinate with US West technical personnel for its SS7 A Links and requires coordination with US West to complete all the necessary trunking modifications.

As the Commission is aware, US West recently experienced a labor walkout. While US West has resolved the labor dispute, the coordination efforts with respect to Rio Virgin's LNP implementation have been delayed to the point that Rio Virgin will not be LNP capable until December 31, 1998.

Therefore, we apply under this instant petition for an extension of the LNP deadline until December 31, 1998, on the basis of the extraordinary circumstances beyond our control that prevent Rio Virgin from complying with the original extension schedule.

In the initial extension request the Commission approved for Rio Virgin, we included as Exhibit 1 correspondence from the switch vendor. As indicated in that correspondence, Nortel informed Rio Virgin that "Nortel anticipates that Local Number

Rio Virgin Local Number Portability Waiver Extension  
October 5, 1998

Portability datafill and testing could be done during 4Q98 with completion by year end."

In the interests of complying with the Commission guidelines at the earliest possible date, Rio Virgin advanced the proposed completion date forward 60 days to an October 31, 1998 date. However, the delays in coordination with US West have now delayed the anticipated completion date

To summarize, Rio Virgin anticipates completing the installation of its new DMS-100 with LNP capability by the end of the fourth quarter 1998. Rio Virgin has received assurances from Nortel that LNP testing will be completed in order for Rio Virgin to meet a year end 1998 target date. Based on the aforementioned information, Rio Virgin respectfully requests an extension of its earlier waiver of LNP implementation until December 31, 1998.

### **III. A Waiver of the Prescribed Timeline is Necessary and in the Public Interest**

In this petition, Rio Virgin demonstrates that it faces extraordinary circumstances related to implementing local number portability. In the Commission's recent *Fourth Order on Reconsideration* in CC Docket No. 96-45, the Commission states<sup>6</sup> that "*exceptional circumstances exist if individualized hardship or inequity warrants a grant of additional time to comply ... and that a grant of additional time to comply with these requirements would better serve the public interest than strict adherence to the general requirement...*" Absent the granting of an additional two months to implement LNP, Rio Virgin is in the difficult predicament of having to meet a regulatory deadline when the reason for the delay was beyond the control of Rio Virgin. Rio Virgin is not seeking to

---

<sup>6</sup> Fourth Order on Reconsideration in CC Docket No. 96-45, released December 30, 1997, @ paragraph 12 and footnote 30.

Rio Virgin Local Number Portability Waiver Extension  
October 5, 1998

avoid the implementation of LNP, but simply needs additional time due to unforeseeable delays created by the US West labor difficulty.

Rio Virgin Customers will Experience Service Degradation Absent Granting the Waiver

Rio Virgin submits that it is of paramount importance that customers not experience service degradation in an attempt to meet a target date for LNP implementation when, with another 60 days, the transition would be smooth and seamless to the DMS-100 environment. We submit for the record that unnecessary inconvenience to subscribers in the form of service degradation is certainly not the intent of implementing the tenets of the pro-competitive Telecommunications Act of 1996. This Commission has subscribed to the same view. In the First Report and Order<sup>7</sup>, in enumerating its minimum performance criteria for long-term number portability methods, the Commission discusses the fifth criteria in paragraph 55:

*55. Fifth, as a general matter, we require that the implementation of any long-term method not unreasonably degrade existing service quality or network reliability. Consumers, both business and residential, rely on the public switched telephone network for their livelihood, health, and safety. Jeopardizing the reliability of the network would stifle business growth and economic development, and endanger individuals' personal safety and convenience. Consumers, both business and residential, have also come to expect a certain level of quality and convenience in using basic telecommunications services. We note that this Commission has repeatedly affirmed its commitment to maintaining service quality and network reliability. [footnote 162 references six separate prior proceedings] We, therefore, require that any long-term method of providing number portability not cause any unreasonable degradation to the network or the quality of existing services. This requirement extends to degradation that affects carriers operating, and end users obtaining services, outside as well as within the area of portability.*

---

<sup>7</sup> First Report & Order, 11 FCC Rcd at 8378.



Rio Virgin Local Number Portability Waiver Extension  
October 5, 1998

The benefit of the two month delay outweighs the burden of the minor extension on any affected party in the Rio Virgin service area.

Rio Virgin Has Implemented a Rigorous Implementation Schedule

Rio Virgin is working diligently to comply with the LNP requirement in order to fully meet the LNP requirement by no later than December 31, 1998. In view of the relatively small number of subscribers that will be delayed in achieving LNP, failing to grant a waiver request would not benefit the public. Rio Virgin is moving forward to implement the LNP requirements as quickly as is feasible (see Attachment 1). Rio Virgin therefore requests that it be granted the additional two months in order to fully comply with the LNP timing requirements.

The FCC has established a precedent of granting additional time in related matters

In a number of prior decisions, the Commission has granted extensions of time to local exchange carriers when circumstances warrant such an extension. In this Local Number Portability docket<sup>8</sup>, the Commission has committed to reducing regulatory burdens on small telephone companies.

In this Rio Virgin petition, such an extension is warranted and consistent with Commission precedent recognizing the technical and economic burdens imposed on small and rural LECs in implementing software upgrades. In earlier situations<sup>9</sup>, the Commission has granted waivers when such burdens have been demonstrated, as Rio Virgin has done here in this instant petition.

---

<sup>8</sup> Telephone Number Portability, Second Report and Order, CC Docket No. 95-116; FCC 97-289 (rel. Aug. 18, 1997).

<sup>9</sup> E.G., Rules and Policies Regarding Calling Number Identification Service - Caller ID, Order and Fourth Notice of Proposed Rulemaking, CC Docket No. 91-281, 10 FCC Rcd 13796, 13808 (1995) (Caller ID Order).

Rio Virgin Local Number Portability Waiver Extension  
October 5, 1998

Additionally, in other Commission matters<sup>10</sup>, the Commission has committed to reducing regulatory burdens on small telephone companies. Granting this waiver request for Rio Virgin is consistent with this objective

**IV. Conclusion**

As demonstrated above, grant of the instant petition will serve the public interest and will allow Rio Virgin to complete its switch replacement in a manner that prevents service degradation to customers.

Rio Virgin submits that the public interest will be better served by an extension of the October 31, 1998 date and that grant of this petition would be consistent with the policies underlying these rules.

Good cause having been shown, Rio Virgin requests that the Commission act upon and grant the foregoing petition and:

- (1) Grant Rio Virgin a two month extension for LNP implementation from the October 31 date, until December 31, 1998; and
- (2) Grant such other and further relief as may be proper in the premises.

Respectfully submitted this October 5, 1998.

RIO VIRGIN TELEPHONE COMPANY

by Brenda Crosby  
Brenda Crosby, its General Manager

<sup>10</sup> Amendment of the Commission's Rules to Establish Competitive Service Safeguards for Local Exchange Carrier Provision of Commercial Mobile Radio Services, Implementation of Section 601(d) of the Telecommunications Act of 1996, WT Docket No. 96-162, FCC 97-352 (rel. Oct. 3, 1997)

Rio Virgin LNP Waiver Extension  
Exhibit 1 - Timeline for LNP Implementation

9/24/98	Original schedule for "A" Link testing
10/15/98	Anticipated test date
11/4/98	Cut date of switch in Mesquite, Nevada
11/12/98	End of three week period before traffic permitted on A-Links
12/15/98	Projected completion of LNP arrangements with US West
12/31/98	Final testing completed